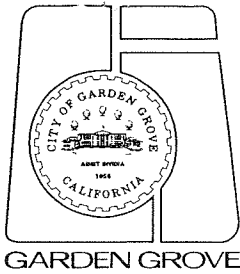


AGREEMENT BIBLIOGRAPHY

Agreement With:	Palm Court Lodging, LLC
Agreement Type:	Development Agreement – DA-106-124 – west side of Harbor Blvd., south of Chapman Ave., north of Twintree Ave.
Date Approved:	02 12 2002
Start Date:	02 12 2002
End Date:	02 11 2006
Contract Amount:	\$265,790
Comments:	SP-299-01 Community Development/Planning
Insurance Expiration:	N/A
Date Archived:	



CITY OF GARDEN GROVE

Bruce A. Broadwater
Mayor

Van T. Tran
Mayor Pro Tem

William J. Dalton
Councilman

Mark Leyes
Councilman

Mark Rosen
Councilman

(714) 741-5040

April 3, 2002

Palm Court Lodging, LLC
9100 East Panorama Drive, Suite 300
Englewood, Colorado 80112

Enclosed for your file is a copy of the Development Agreement by and between the City of Garden Grove and Palm Court Lodging, LLC for property located on the west side of Harbor Boulevard between Chapman Avenue and Twintree Avenue.

The Agreement was approved by the City Council on February 26, 2002.

Sincerely,

Ruth E. Smith
City Clerk

By: Priscilla Stierstorfer
Deputy City Clerk

Enclosure

c: Controller
Community Development/Planning

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL TO: \

CITY CLERK'S OFFICE
Community Development Dept.)
City of Garden Grove)
11222 Acacia Parkway)
Garden Grove, CA 92840)
)
)

Recorded in Official Records, County of Orange
Darlene Bloom, Interim Clerk Recorder

 NO FEE

20020231935 08:37am 03/21/02

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(Space above for Recorder.)

This document is exempt for payment
of a recording fee pursuant to
Government Code Section 6103.

Dated: March 5, 2002

DEVELOPMENT AGREEMENT

Palm Court Lodging, LLC.
SP-301-01& PM-2001-227

THIS AGREEMENT is made this 26th day of February, 2002 by the CITY OF GARDEN GROVE, a municipal corporation ("CITY"), and Palm Court Lodging, LLC. ("DEVELOPER")

RECITALS

The following recitals are a substantive part of this Agreement:

1. The Garden Grove Agency for Community Development and DEVELOPER have previously entered into a Disposition and Development Agreement (DDA) dated June 20, 2001, which provides for the development of that certain real property located on the west side of Harbor Boulevard, south of Chapman Avenue, north of Twintree Avenue, the "Disposition Site".
2. CITY and DEVELOPER desire to enter into this DEVELOPMENT AGREEMENT for the construction of two multi-story hotels with a total of 483 rooms, located on the west side of Harbor Boulevard, south of Chapman Avenue, north of Twintree Avenue, Assessor Parcel Nos 231-471-01 through 18.
3. DEVELOPER is qualified by virtue of experience, training, education and expertise to accomplish the requirements listed herein to the satisfaction of the City.

4. The PROJECT is a development requiring certain discretionary approvals by the CITY before it may be constructed.
5. The CITY's Planning Commission recommended approval of Planned Unit Development No. PUD-141-01, and approved Site Plan No. SP-301-01 and Tentative Parcel Map No. PM-2001-227, on December 6, 2001, conditioned upon the DEVELOPER entering into a Development Agreement.
6. Government Code Section 65864 et seq. provides the authority for CITY to enter into binding development agreements with a developer having a legal and equitable interest in real property.

AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. DURATION. The term of this Agreement shall be in accordance with the terms and conditions of the DDA, provided however, in the event that the DDA is terminated, this Agreement shall also be terminated and be of no further force or effect.
2. Permitted Uses/Land Use Entitlements. The following use is permitted at the PROJECT: Two multi-story, hotels with a total of 483 rooms, located on the west side of Harbor Boulevard, south of Chapman Avenue, north of Twintree Avenue, as per the DDA and shown on the approved plans. The project has been granted the following land use entitlement: PUD-141-01, SP-301-01 and PM-2001-227.
3. Density/Intensity. The density or intensity of this project is as follows: Two multi-story hotels with a total of 483 rooms, located on the west side of Harbor Boulevard, south of Chapman Avenue, north of Twintree Avenue.
4. Maximum Height and Building Size. The maximum height and building size are as follows:
Hotel 1: The maximum building height shall be up to eight stories. The total building area shall not exceed 127,000 square feet.

Hotel 2: The maximum building height shall be up to nine stories. The total building area shall not exceed 160,331 square feet.
5. Reservation or Dedication. The reservation of easements or dedication of property to the City to allow the construction of the proposed facility as shown on the approved Site Plan.
6. Improvements. The improvements described in Resolution No. 5261 shall be constructed prior to the occupancy of each proposed hotel facility respectively, or

subject to an approved phasing plan for the entire site, all in accordance with the terms and conditions of the DDA.

7. Scope of Project. The Project shall consist of those uses stated in paragraph two, with a density/intensity stated in paragraph three, with a building height and size stated in paragraph four, all in accordance with the terms and conditions of the DDA.
8. Resolution/Material Terms. All conditions of approval as per Resolution No. 5261 attached hereto and incorporated herein as Exhibit "1," are material terms of this Agreement. Breach of any condition of approval shall be deemed to be a breach of this Development Agreement.
9. Reimbursement. DEVELOPER shall pay CITY as follows:
 - 9.1 Amount. One percent of building permit valuation.
 - 9.2.1 Not to Exceed. Payment under this Agreement shall not exceed the following:
 - Hotel 1: \$117,480.00.
 - Hotel 2: \$148,310.00.
10. Records of Expenses. DEVELOPER shall keep records in which complete and correct entries will be made of construction costs. These records will be available to CITY.
11. City Agreement. CITY agrees that one percent (1%) of the project valuation, not to exceed \$117,480.00 for Hotel 1 and \$148,310.00 for Hotel 2, will reimburse CITY for the cost of certain CITY services required by the proposed development that are not otherwise being reimbursed to CITY.
12. Payment Due Date. The reimbursement amount shall be due and payable prior to the issuance of building permits for each hotel respectively.
13. Termination Provisions. This Agreement may be terminated upon the happening of any of the following events:
 - A. Failure of DEVELOPER to perform any of the provisions of this Agreement, or
 - B. Mutual agreement of the parties.
 - C. Failure of DEVELOPER to cure any default under the terms and conditions of the DDA.

14. Periodic Review. CITY shall review DEVELOPER'S performance every twelve (12) months at the anniversary of the adoption of this Agreement. DEVELOPER shall demonstrate good faith compliance with the terms of this Agreement. If as a result of the review, CITY finds and determines, based upon substantial evidence that DEVELOPER has not complied in good faith with terms or conditions of this Agreement, CITY may terminate the Agreement. This review shall be conducted by the Director of the Community Development Department.
15. City Discretion. CITY retains its right and discretion, under all applicable Codes, to approve or disapprove any item related to this PROJECT which it has not specifically agreed to via this Agreement. DEVELOPER acknowledges that it shall comply with all CITY requirements for applications and permits of any nature, and that this Agreement does not relieve DEVELOPER of the necessity of filing appropriate applications and permits.
16. Improvement Schedule. The following improvements shall be constructed by the stated dates:

All repairs and improvements to the public right-of-way required in Planning Commission Resolution No. 5261 shall be completed prior to the issuance of any certificates of occupancy or release of any public utilities, or subject to an approved phasing plan for the entire site.
17. Developer Breach. Failure of DEVELOPER to construct improvements as specified, or to pay amounts specified in a timely fashion, shall result in the withholding of building permits, any other permit or certificate of occupancy until the breach is remedied to satisfaction of CITY.
18. Non-Liability of Officials and Employees of the City. No official or employee of CITY shall be personally liable to DEVELOPER in the event of any default or breach by CITY, or for any amount which will become due to DEVELOPER, or any obligation under the terms of this Agreement.
19. Notices. All notices shall be personally delivered or mailed to the below listed address, or to such other address as may be designated by written notice. These addresses shall be used for delivery of service of process.

A. Address of DEVELOPER is as follows:
Palm Court Lodging, LLC.
9100 E. Panorama Dr. #300
Englewood, CO 80112

B. Address of CITY is as follows:
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840

20. DEVELOPER'S Proposal. The Project shall include DEVELOPER'S proposal, as modified by Planning Commission and City Council, including all conditions of approval contained in Planning Commission Resolution No. 5261, which shall be incorporated herein by this reference. In the event of any inconsistency between terms of the proposal and this Agreement, this Agreement shall govern.
21. Licenses, Permits, Fees, and Assessments. At its sole expense, DEVELOPER shall obtain all licenses, permits, and approvals as may be required by this Agreement, or by the nature of the PROJECT.
22. Time of Essence. Time is of the essence in the performance of this Agreement.
23. Successor's Interest. The provisions of this Agreement shall be binding upon and inure to successors in interest of the parties and shall be specifically binding upon any future lessees or other owners of an interest in PROPERTY.
24. Authority to Execute. The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement and that by executing this Agreement, the parties are formally bound.
25. Indemnification. DEVELOPER agrees to protect, defend, and hold harmless CITY and their elective or appointive boards, officers, agents, and employees from any and all claims, liabilities, expenses or damages of any nature, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, arising out of, or in any way connected with performance of the Agreement by DEVELOPER, DEVELOPER'S agents, officers or employees, subcontractors hired by DEVELOPER.
26. Modification. This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written. This Agreement may be modified only by subsequent mutual written agreement executed by CITY and DEVELOPER.
27. Inconsistencies. Nothing in this Agreement shall limit or impair the Garden Grove Agency for Community Development's and DEVELOPER'S obligations under the Disposition and Development Agreement. In the event there is any inconsistency between the terms of this Agreement and the DDA, the DDA shall govern.

IN WITNESS WHEREOF, these parties have executed this Agreement on the day and year shown below.

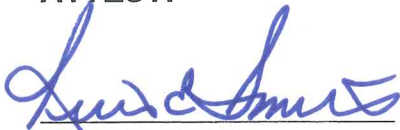
Date: 2-27-02

"CITY"
CITY OF GARDEN GROVE
a Municipal Corporation

BY


Mayor

ATTEST:



CITY CLERK

DATE: 3-01-02

"DEVELOPER"
Palm Court Lodging, LLC.

By:



Its: Member

Date: 12/16/01

(Signature must be notarized.)

APPROVED AS TO FORM:


Garden Grove City Attorney

Date: 1/14/02

If DEVELOPER is a corporation,
a Corporate Resolution
and/or Corporate Seal is required.
If a partnership, Statement of Partnership
must be submitted to CITY.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Orange } ss.

On March 5, 2002, before me, PRISCILLA STIERSTORFER,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared BRUCE A. BROADWATER,
Name(s) of Signer(s)

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

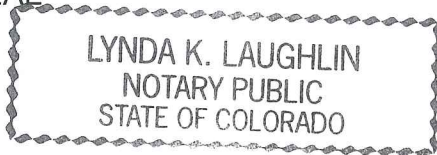
STATE OF COLORADO
COUNTY OF ARAPAHOE

This instrument was acknowledged before me by Navin C. Dimond,
known to me to be the person whose name is subscribed on the foregoing
instrument.

Given under my hand and seal of office on this 16 day of
December, 2001.

My commission expires: 2-14-2004

SEAL



Lynda K. Laughlin
Notary Public

RESOLUTION NO. 5261

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOGNIZING THE PREVIOUSLY ADOPTED NEGATIVE DECLARATION, AND APPROVING SITE PLAN NO. SP-301-01 AND TENTATIVE PARCEL MAP NO. PM-2001-227 FOR LAND LOCATED ON THE WEST SIDE OF HARBOR BOULEVARD, SOUTH OF CHAPMAN AVENUE, NORTH OF TWINTREE AVENUE PARCEL NOS. 231-471-01 THROUGH 18

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on December 6, 2001, does hereby recognize the previously adopted Negative Declaration, approve Site Plan No. SP-300-01 and Tentative Parcel Map No. PM-2001-227.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-301-01 and Tentative Parcel Map No. PM-2001-227, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Palm Court Lodging, LLC.
2. The applicant requests approval of a Site Plan and Tentative Parcel Map to allow the construction of two hotels: Springhill Suites and Courtyard Inn, and a Tentative Parcel Map for lot consolidation.
3. The previously adopted Negative Declaration considered the necessary entitlements for the proposed project including Planned Unit Development, Site Plan, Parcel Map, Alley and Street Vacations, and Conditional Use Permit applications; therefore, no further environmental action is necessary.
4. The property has a General Plan Land Use designation of Mixed Use (MX), and is currently zoned Planned Unit Development No. PUD-121-98.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on December 6, 2001, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of December 6, 2001; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.24.030 and 9.32.060, are as follows:

FACTS:

In 1998, the City rezoned approximately 53 acres of land, including the subject site, from various land use designations to PUD-121-98, (aka Riverwalk Retail Complex Project). The City also amended the Redevelopment Plan Area to cover the entire Riverwalk area. The scope of the Riverwalk project consists of an approximately 1,000,000 square foot commercial and entertainment complex and a 500-room hotel.

As the request is to relocate the 500-room hotel from the intersection of Harbor Boulevard and Palm Street to the subject site, and in order to provide appropriate development standards for this proposed development, it is necessary to establish a separate Planned Unit Development (PUD), which would create specific development standards for this project.

The project is approximately 5.60 acres in size.

Government Code Section 65864 provides the authority for the City to enter into a Development Agreement with the applicant.

FINDINGS AND REASONS:

SITE PLAN:

1. The Site Plan complies with the spirit and intent of the provisions, conditions, and requirements of the Municipal Code and other applicable ordinances. The proposed project is consistent with the existing General Plan designation which permits hotel development and service related uses. The requested PUD zoning allows tourist and business serving facilities. The site is located within the described zone and, therefore, consistent with the General Plan designation of Mixed Use, as the site provides for hotels related uses.

The site is adequate to accommodate the proposed hotels including building setbacks, landscaping, and parking and circulation. The hotel development is compatible with the surrounding development.

2. The proposed hotel development does not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access. The plans have been

reviewed by the City's Traffic Engineering Section and it has been determined that the project will have no adverse impacts to surrounding streets. The site provides sufficient off-street parking spaces. A total of 397 on-site parking spaces will be provided. Additionally, the project is designed with adequate pedestrian access into the development.

3. The proposed hotel development will not adversely affect essential public facilities such as streets and alleys, utilities and drainage channels. A focused traffic study for the hotel development will be required and any off-site improvements to address the potential traffic impacts will be addressed and constructed prior to the issuance of building permits.

Utilities and drainage channels in the area are adequate to accommodate the development.

4. The proposed hotels have a reasonable degree of physical, functional, and visual compatibility with the neighboring uses and desirable neighborhood characteristics. The proposed hotels will be architecturally compatible with the neighboring hotel uses. The design and conditioning of the proposed developments will enhance and insure a reasonable degree of compatibility with adjacent uses.
5. Through the planning and design of the buildings and building placements, the site will attain an attractive environment for the occupants of the property. The project has been designed in accordance with City Code landscape provisions and will provide an adequate amount of landscaped areas. The necessary agreements for the protection and maintenance of improvements will be achieved through the conditions of approval for the project.

TENTATIVE PARCEL MAP:

1. The proposed map is consistent with the General Plan.

The proposed map will be consistent with the provisions of the Harbor Corridor Specific Plan and the General Plan as they pertain to the creation of subdivisions for commercial development. The proposed parcels are of sufficient size to accommodate the proposed hotel development and meet all applicable requirements, as identified under Title 9.

2. The design and improvement of the proposed subdivision are consistent with the General Plan.

With the conditions of approval, the design and improvement of the subject lots are consistent with the spirit and intent of the Harbor Corridor Specific Plan and General Plan provisions for location of lots, proximity to similar uses, lot width, and overall depth.

3. The site is physically suitable for the proposed type of development.

The site is adequate in size and shape to accommodate the project, including facilities for parking, pedestrian and vehicular access, trash collection, and emergency access.

4. The requirements of the California Environmental Quality Act have been satisfied.

The requirements of the California Environmental Quality Act (CEQA) have been satisfied in the previously adopted Negative Declaration for the development. Mitigation measures have been incorporated into the conditions of approval of the project.

5. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

The conditions of approval for on- and off-site improvements are in compliance with applicable health and safety codes and will safeguard the public health.

6. The design of the subdivision and the proposed improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large for access through or use of property within the subdivision.

The project has been designed, to the greatest extent possible, to avoid development over easements. Where applicable, such easements will be relocated or abandoned to not create adverse impacts.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Commission incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan possesses characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.24.030.D.3 (Site Plan) and 9.32.060 (Tentative Parcel Map).
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following conditions of approval shall apply to Site Plan No. SP-301-01 and Tentative Parcel Map No. PM-2001-227:

CONDITIONS OF APPROVAL:

- A. The applicant shall record a "Notice of Agreement With Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to the issuance of building permits for either hotel. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval of the Planning Commission.
- B. Approval of this Site Plan and Tentative Parcel Map shall not be construed to mean any waiver of applicable and appropriate zoning regulations or any Federal, State, County and City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Garden Grove Municipal Code shall apply. The applicant shall obtain, and abide by, any necessary permits or licenses required to conduct the use in compliance with applicable laws.
- C. Modifications which do not change the intent of the project may be approved by the Community Development Director. If major modifications are made in the proposed development which result in the intensification of the project or create impacts that have not been previously addressed, a new Site Plan application shall be filed which reflects the revisions made .
- D. The final floor plans of the hotels shall be submitted for the review and approval by the Community Development Department prior to building plan check submittal. There shall be no change in the design of the floor plans without the approval of the Community Development Department. Any change in the approved floor plans which has the effect of expanding or intensifying the proposed development shall require a new Site Plan.
- E. Prior to the issuance of building permits, a computer generated, point-by-point, lighting plan shall be approved by the Engineering and Planning Divisions. The

lighting plan shall be generated on the site plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height, and method of shielding. These fixtures shall be compatible with the existing light standards located throughout the Crown Plaza/Marriott/Homewood Suites parking areas. The applicant shall be responsible for providing adequate parking area lighting in compliance with City regulations, at a minimum of two footcandles of light on the parking surfaces during all hours of darkness.

- F. Hotel elevations, which face Harbor Boulevard, shall incorporate lighting treatments, such as uplighting, to highlight building facades and achieve a dramatic nighttime effect, in accordance with the Harbor Boulevard Urban Design Plan.
- G. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community Development Department for review and approval prior to the issuance of a certificate of occupancy. The project shall also be subject to the following:
 - 1. All on-site utilities pertaining to the improvements proposed under this Site Plan, shall be installed or relocated underground.
 - 2. Above-ground utility equipment (e.g., electrical, water, gas, telephone, cable TV) shall not be located in the street setbacks, within the common areas along Harbor Boulevard, or any parking areas and shall be screened to the satisfaction of the Community Development Department. Final location for the equipment shall be shown on the final landscaping plan and shall be reviewed and approved by Community Development and Public Works Departments.
 - 3. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
 - 4. All ground- or wall-mounted mechanical equipment shall be screened from view of public streets and surrounding properties.
- H. The following provisions of the Public Works' Engineering Division shall be complied with:

1. Prior to the issuance of any building permits, the applicant shall prepare a Parcel Map for the consolidation of the two separate parcels. Field survey shall be required.
2. TIES TO HORIZONTAL CONTROL: Prior to the recordation of the final map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and the Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit recorded information to the City on Auto Cad Dwy format.
3. DIGITAL SUBMISSION: Prior to the recordation of the final map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit recorded information to the City on Auto Cad Dwy format.
4. Prior to the issuance of any permits, the applicant shall have a traffic study prepared by a registered Traffic Engineer for the City's approval. Any off-site improvements required shall be designed and constructed prior to the issuance of a building permit.
5. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks, basement and septic facilities. Should contaminants be found the site will require Environmental Clearance that will usually involve site remediation. The report shall make recommendations for pavement design based on a Traffic Index to be supplied by the City Traffic Engineer.
6. New trash enclosures shall be constructed per Garden Grove Standard Plan B-502. The trash enclosures shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures.
7. Grading and street improvement plans prepared by a registered Civil Engineer are required. All off-site improvements shall be designed and constructed prior to the issuance of building permits. Street improvements shall consist of the following:

- a. Harbor Boulevard shall be widened to 56 feet from centerline across the property frontage to match those improvements to the north of the site.
 - b. The existing raised median on Harbor Boulevard shall be modified to remove the existing opening and also to provide left turn movements into the site as determined by the Traffic Study.
8. In accordance with the 1972 Clean Water Act and National Pollution Discharge Elimination System (NPDES) requirements, the developer is required to submit a long term, post construction, Water Quality Management Plan (WQMP). The WQMP shall include provisions for the installation and maintenance of appropriate structural facilities and identify all non-structural Best Management Practices (BMPs) to be implemented with the project. The plan shall be submitted to and approved by the Public Works Department prior to the issuance of a grading or building permit, whichever occurs first. The project shall also be subject to all conditions in the latest edition of the Drainage Area Management Plan (DAMP) and appendices.
9. A separate street permit is required for work performed within the public right-of-way.
10. Prior to the recordation of the final map, the applicant shall enter into a Reciprocal Access Agreement (REA), or other similar agreement, to ensure reciprocal vehicular access shall be provided between Parcel 1 and Parcel 2 and the property to the north of the site.
11. Prior to the recordation of the final map, the applicant shall complete the street and alley vacations.
12. Prior to the recordation of the final map, the applicant shall revise the map boundaries to incorporate the following:
 - a. A 13-foot street dedication (from 60' to 73') shall be required along Harbor Boulevard across the property frontage to accommodate the required street improvements.
 - b. A standard cul-de-sac turnaround (38' curb radius) shall be required at the terminus of Thackery Drive.

- c. The westerly boundary line of Parcel 1 shall be 18'-6" minimum from the centerline of Thackery Drive.
- 13. Any new or required block walls and/or retaining walls and trash enclosures shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a professional registered engineer. In addition, the developer shall provide the following:
 - a. A seven (7) foot high decorative block wall, as measured from highest minimum grade, shall be constructed along the west property line, except along Thackery Drive.
 - b. Along the east side of Thackery Drive, a nine (9) foot high decorative block wall, as measured from highest minimum grade, shall be constructed. This block wall shall be located ten (10) feet from the property line in order to provide a ten (10) foot wide landscape setback along the east side of Thackery Drive.
 - c. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division prior to installation.
- 14. All drive aisles shall be a minimum of twenty-five (25) feet in width.
- 15. A vehicular access drive to the north shall be provided in a location approved by the City Traffic Engineer.
- 16. Standard parking spaces shall be 9' x 19' minimum and the compact spaces shall be 8' x 15' minimum with the allowance for a two-foot overhang.
- 17. Provide hydrology with scaled map and calculations and hydraulic calculations to size storm drains per Orange County PF&RD standards. Parkway culverts shall be constructed per Orange County PF&RD Standard Plan 1309, Type B.
- 18. Wheelchair ramps shall be provided on both sides of the three (3) project entry approaches. The curb radius for these approaches shall be 20' minimum.

19. The applicant shall adjust the entrance locations to the site so that vehicles queued at the entrances to the hotels will not impact traffic on Harbor Boulevard, as approved by the City Traffic Engineer.

I. The following provisions of the Public Works' Traffic Engineering Division shall be complied with:

1. Entrance to the property shall be posted with a sign indicating that unauthorized vehicles will be removed at the owner's expense. The sign shall be of the size, type, and location specified in the California Vehicle Code and Garden Grove Municipal Code.
2. All handicap parking stalls shall be marked and signed in accordance with California Vehicle Code. All parking stalls shall be per City standards, and hairpin striped. All curbs not associated with a parking stall shall be painted red and parking shall be prohibited in those areas.
3. Traffic mitigation fees shall be paid prior to the issuance of building permits for each hotel, respectively.
4. Motorcycle and bicycle parking shall be provided as required by code.

J. The following provisions of the Garden Grove Fire Department and the Uniform Fire Code shall be met:

1. The building shall comply with all CBC and CFC standards and codes, 1998 Edition; NFA 13R Standards, 2000 Edition, NFA 72 Standards, 2000 Edition; and NEC Code Standards.
2. Smoke control shall comply with CBC, 1998 Edition and NFA 92, 2000 Edition.
3. The developer shall be responsible for payment of plan checks and inspections for the smoke control and fire alarm system.
4. Address shall be visible from the street (in contrasting colors).
5. Fire extinguishers shall be provided, locations and rating to be determined by fire inspector.
6. Fire alarm system in accordance with the California Fire Code, Article 10 and the California Electrical Code shall be provided.

7. Signage requirements for the Emergency Planning and Information Plan as required in C.C.R. Title 19, Section 3.09, shall be provided.
 8. Required fire lane shall be posted and marked in accordance with Garden Grove Fire Department Fire Protection Specifications and Requirements as required by the Fire Department.
 9. All overhangs or canopies over fire department access lanes shall be a minimum of 13'-6" high.
 10. On-site fire Hydrant(s) shall be provided. Location shall be determined by Fire Department. All on-site fire hydrant(s) shall be operable prior to delivery of combustible material.
- K. The building plans, site plans and all construction shall comply with the current editions of the U.B.C., U.P.C., U.M.C., and N.E.C. as amended by the City of Garden Grove and State of California handicap access, energy conservation and sound transmission control requirements.
- L. The following provisions of the Garden Grove Public Works' Streets Services Division shall be met:
1. The developer shall use best management efforts to address the following:
 - a. Landscape/irrigation type or style that maximizes water run off from storm drain system.
 - b. Street signage placement within the public right-of-way shall be per City specifications, which includes protective U.V. sheeting. Mounting shall include sleeve into the City sidewalk areas.
- M. The following provisions of the Garden Grove Public Works' Water Services Division shall be met:
1. Existing water services on Harbor Boulevard and the east side of Thackery Drive shall be abandoned at the main. All abandoned fire hydrants and water meters shall be returned to the City Yard.
 2. The developer shall abandon and remove existing sewer mains and laterals in the existing alley. Sewer laterals on east side of Thackery

Drive shall be abandoned and removed. The manholes on Twintree Avenue at the alley shall have the north running channels plugged with concrete. The sewer laterals on Harbor Blvd to be abandoned at the main and filled with 1 sack slurry.

3. New water service installations shall be at the developer's expense. Fire and water services shall be installed by developer/owner's contractor per City Standards.
4. Water meters shall be located within the City right-of-way or within dedicated waterline easement. Fire services and large water services (3" and larger) shall be installed by contractor with a class A or C-34 license, per City water standards and inspected by a Public Works inspector.
5. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a stainless steel RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector is to be notified for inspection after the initial installation is completed. The developer shall have RPPD devices tested once a year by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division.
6. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
7. Fire service shall have an approved above ground double check detector valve assembly. Device shall be tested immediately after installation and once a year by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device to be on private property and is the responsibility of the property owner. The above ground assembly to be located and screened from public view as required by the Planning Division.
8. A properly sized grease interceptor shall be installed on the sewer lateral and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor is to be located outside of the building and accessible for routine maintenance. The developer shall maintain

comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand.

9. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
 10. The developer shall install new sewer laterals with clean outs at right-of-way line. Lateral in public right-of-way shall be a 6" minimum diameter, extra strength VCP with wedgelock joints. Connection shall be made to 18" VCP sewer main in Harbor Boulevard.
 11. A blanket easement for a Public Water System on private property shall be required.
- N. The following provisions of the Garden Grove Sanitation District shall be met:
1. The developer shall construct and maintain the trash enclosure areas, as indicated on the site plan, per City Standard. The final design, type, location, and number of trash bins shall be reviewed and approved by the Garden Grove Sanitation District, and the Community Development and Public Works Departments. The trash enclosure doors shall be kept closed and secured except during trash disposal or pickup. Trash pickup and automated parking lot cleaning/sweeping shall occur between the hours of 7:00 a.m. and 6:00 p.m. Trash pickups shall be a minimum of three times a week.
 2. The refuse storage area shall be constructed with decorative block wall to match the perimeter walls.
 3. The refuse storage area shall be maintained in a neat and sanitary manner.
- O. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior facade and/or visible from any public right-of-way or adjoining property.
- P. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
- Q. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).

- R. Sunday and Federal Holidays - may work same hours but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
- S. The developer shall submit a complete, detailed landscape plan governing the entire development. Said plan shall include type, size, location and quantity of all plant material. This includes enhanced landscaping and hardscape treatment along the areas located immediately adjacent to Harbor Boulevard in accordance with the Harbor Boulevard Urban Design Plan. The plan shall include irrigation plans staking and planting specifications. The landscape plan is also subject to the following:
1. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaped areas shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
 2. The plan shall provide a mixture of a minimum of ten (10) percent of the trees at 48-inch box, ten (10) percent of the trees at 36-inch box, fifteen (15) percent of the trees at 24-inch box and sixty (60) percent of the trees at 15-gallon. The remaining five (5) percent may be of any size.
 3. The developer is and shall be responsible for installation and maintenance of all landscaping on the property and public parkway.
 4. Trees planted within ten feet (10') of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontage(s) adjacent to driveways shall be of the low height variety to ensure safe site clearance.
 5. Trees located along the project's main entry drive shall incorporate special lighting treatments, including the use of uplighting.
 6. The developer shall be required to provide trees throughout the parking lot and in the landscape setback areas along Harbor Boulevard. Provision of landscape finger planters in every eight (8) parking spaces shall be provided where possible.
 7. All above ground utilities (e.g. water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plan in order to ensure proper landscape screening will be provided.
 8. A ten (10) foot wide landscape setback along the east side of Thackery Drive shall be provided. This landscape setback shall be located on the

west side of the block wall and shall incorporate the use of dense landscaping, planter walls, screen walls, and mounding and berming in order to minimize visibility of the parking lot and the hotel's loading area. The design, size, and type of landscape and construction materials shall be reviewed and approved by Community Development Department prior to installation.

- T. Prior to the construction of the hotel facilities, the site area shall be secured with a six-foot (6') high chain link fence. Access gate(s) are permitted and the fence shall be removed upon construction of permanent perimeter fencing and/or completion of the project.
- U. Signage for the hotel development shall be as follows:
 - 1. The hotel site shall be permitted to have a total of 1 monument sign at the main drive aisle on Harbor Boulevard.
 - 2. The monument sign shall be designed in accordance with the Harbor Boulevard Urban Design Plan.
 - 3. Wall signs shall be permitted on the building's elevations, as shown on the approved building elevation plans.
 - 4. All signs require separate permit and shall be installed in accordance with the provisions of the sign ordinance and shall be approved by the Community Development Department.
- V. The developer shall enter into a binding Development Agreement with the City of Garden Grove. The agreement shall be executed prior to building permit issuance.
- W. The developer shall provide a decorative pavement treatment at the project entry drives. The color, material, and pattern shall be compatible with the Harbor Boulevard Urban Design Plan. The plan shall be approved by the Planning Services Division.
- X. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the name and address of the development, and the developer's name, address, and a 24-hour emergency telephone number.

- Y. Litter shall be removed daily from the premises including adjacent public sidewalks and all parking areas under the control of the applicant. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
- Z. The developer shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-301-01 and Tentative Parcel No. PM-2001-227 and his/her agreement with all conditions of the approval.
- AA. Graffiti shall be removed from the premises and all parking lots under the control of the licensee and/or the property owner within 120 hours of application.
- BB. The hotel facilities shall be subject to Chapter 8.70 of the Municipal Code (Public Lodgings).
- CC. Should the hotel's phone system be a PBX System, a private switch ALLI (Automated Location Information) shall be installed to the satisfaction of the Police Department. This requirement is to allow the Police Department to identify the hotel and room number for the "911" calls.
- DD. No satellite dish antennas shall be installed on said premises unless and until plans have been submitted to and approved by the Community Development Department.
- EE. The service doors shall be kept closed at all times during the hours of operation of the premises except in case of emergency or to permit deliveries. Panic hardware on doors shall comply with all City code requirements.
- FF. All lighting on the project site shall be enclosed in vandal-resistant fixtures. The fixtures shall be maintained and replaced as needed.
- GG. Prior to the issuance of a certificate of occupancy, a security plan for the project shall be approved by the Police Chief. The security plan shall include provisions for security personnel, patrol, alarms, video cameras, lighting of pedestrian pathways, and employee protection.
- HH. Pedestrian pathways in the project shall be visually identified through the use of thematic lighting, planting, and paving treatments.
- II. The operation of the proposed hotels shall comply with the provisions of the Extended-Stay Business Hotels, as applicable.

- JJ. No amplified systems shall be permitted outside of a fully enclosed building. The sound emitted from any loud speakers shall not extend beyond the walls of the buildings.
- KK. Site Plan No. SP-301-01 and Tentative Parcel Map No. PM-2001-227 shall not be effective until Planned Unit Development No. PUD-141-01 is in effect.
- LL. During construction the developer shall comply the following measures to contain fugitive dust as required by the General Plan EIR:
 - 1. Adherence to SCAQMD Rule 403, Fugitive Dust, as revised, which includes dust minimization measures such as daily watering of soils, application of non-toxic soils stabilizers, replacement of ground cover in disturbed areas as soon as possible, suspension of excavating and grading operations when wind speeds (or instantaneous gusts) exceed 25 miles per hour, and maintenance of a minimum two feet of freeboard on all trucks hauling dirt, sand, soil or other loose material.
 - 2. Sweeping of streets near construction area.
 - 3. Rinsing of wheels on construction vehicles prior to leaving construction area.
 - 4. Paving of all construction access roads at least 100 feet onto the site from the main access points.
 - 5. Use of electricity from power poles rather than temporary diesel or gasoline powered generators.
 - 6. Use of methanol, natural gas, propane or butane-powered on-site mobile equipment rather than diesel or gasoline powered equipment.
 - 7. During construction, if paleontological or archaeological resources are found all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA.

ADOPTED this 6th day of December 2001.

/s/ SUSAN ANN BARRY
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on December 6, 2001, by the following votes:

AYES: COMMISSIONERS: BARRY, BUTTERFIELD, CALLAHAN, FREZE,
HUTCHINSON JONES, NGUYEN

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

/s/ TERESA POMEROY
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is January 2, 2002.

SECOND READING OF ORDINANCES NO. 2564 AND NO. 2565

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinances No. 2564 and No. 2565 be waived.

ORDINANCE NO. 2564 was presented for second reading and adoption and the title read in full, being, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-141-01, FOR PROPERTY LOCATED ON THE WEST SIDE OF HARBOR BOULEVARD, SOUTH OF CHAPMAN AVENUE, NORTH OF TWINTREE AVENUE, PARCEL NOS. 231-471-01 THROUGH 18
~~(F: 20.GPA-4-01A) (XR: 116.PUD-140-01) (XR: 116.SP-295-01)~~
~~(XR: 103.TT-16275) (XR: 111.V-286-01) (XR: 106.120)~~

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that Ordinance No. 2564 be and hereby is adopted.

(F:106.124)(XR:116.PUD-141-01)(XR:116.SP-301-01)
(XR:118.PM-2001-227)(XR:116.PUD-121.98)

ORDINANCE NO. 2564

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-141-01, FOR
PROPERTY LOCATED ON THE WEST SIDE OF HARBOR BOULEVARD,
SOUTH OF CHAPMAN AVENUE, NORTH OF TWINTREE AVENUE, PARCEL
NOS. 231-471-01 THROUGH 18

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS
FOLLOWS:

WHEREAS, the case, initiated by Palm Court Lodging, LLC. proposes to rezone an approximately 5.60-acre site from PUD-121-98 to PUD-141-01 zone in order to facilitate the development of the site with two hotels; and

WHEREAS, pursuant to Resolution Nos. 5260 & 5261, the Planning Commission, at a public hearing held on December 6, 2001, recommended approval of Planned Unit Development No. PUD-141-01 and a Development Agreement and approved the associated entitlements for this project (Site Plan No. SP-301-01 and Tentative Parcel Map No. PM-2000-227); and

WHEREAS, the Planning Commission adopted a Negative Declaration of Environmental Impact, pursuant to the California Environmental Quality Act, and further found a de minimis impact in relation to fish and game; and

WHEREAS, the City Council gave due and careful consideration to the matter; and

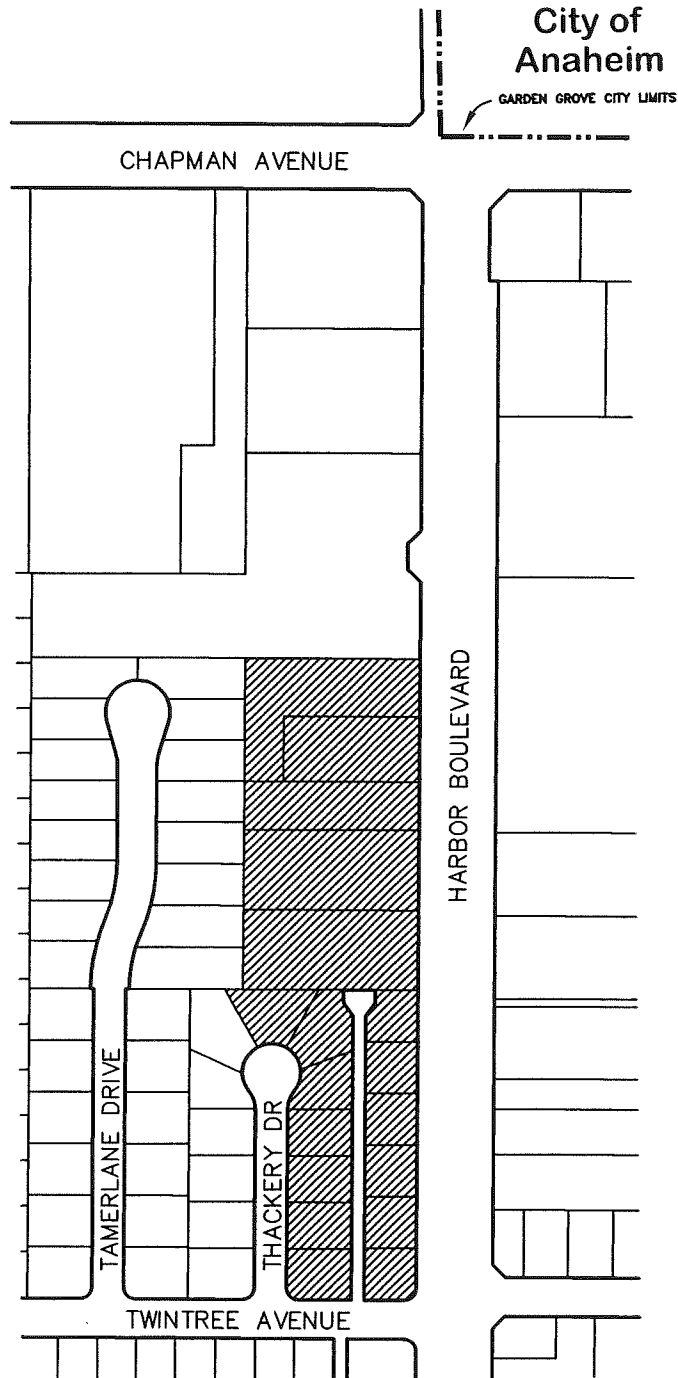
WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on February 12, 2001, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter

NOW, THEREFORE, BE IT RESOLVED:


1. Planned Unit Development No. PUD-141-01 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5260, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.
2. Planned Unit Development No. PUD-141-01 possesses characteristics that would indicate justification of the request in accordance with the Municipal Code Section 9.12.020, and is therefore adopted and the property shown on the map attached hereto is rezoned to the Planned Unit Development No. PUD-141-01 zone as shown thereon. Zone Map Parts R-9 and R-10 are amended accordingly.

PLANNED UNIT DEVELOPMENT NO. PUD-141-01
PARCEL NOS. 231-471-01 THRU 18
CASE NOS. PUD-141-01, SP-301-01 AND PM-2001-227



NO SCALE
CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
CAD SYSTEM
REF. PUD-141-01.DWG
JANUARY 2002

LEGEND

 **SUBJECT SITE**
REZONED FROM PUD-121-98
TO PUD-141-01

REZONED FROM PUD-121-98 TO PUD-141-01
ATLAS SHEET R-9 AND R-10
PUD-141-01

SECOND READING OF ORDINANCES NO. 2564 AND NO. 2565

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinances No. 2564 and No. 2565 be waived.

ORDINANCE NO. 2565 was presented for second reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN PALM COURT LODGING LLC, AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE WEST SIDE OF HARBOR BOULEVARD, SOUTH OF CHAPMAN AVENUE, NORTH OF TWINTREE AVENUE, PARCEL NOS. 231-471-01 THROUGH 18 ~~(F: 20.GPA-4-01A)~~
~~(XR: 116.PUD-140-01) (XR: 116.SP-295-01) (XR: 103.TT-16275)~~
~~(XR: 111.V-286-01) (XR: 106.120)~~

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that Ordinance No. 2565 be and hereby is adopted.

(F: 106.124) (XR: 116.PUD-141-01) (XR: 116.SP-301.01)
(XR: 118.PM-2001-227) (XR: 116.PUD-121.98)

ORDINANCE NO. 2565

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN PALM COURT LODGING LLC. AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE WEST SIDE OF HARBOR BOULEVARD, SOUTH OF CHAPMAN AVENUE, NORTH OF TWINTREE AVENUE, PARCEL NOS. 231-471-01 THROUGH 18

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1:

A Development Agreement is hereby adopted for Site Plan No. SP-301-01 and Tentative Parcel Map No. PM-2001-227, for property located on the west side of Harbor Boulevard, south of Chapman Avenue, north of Twintree Avenue. A copy of the Development Agreement is on file in the City Clerk's Office.

SECTION 2:

This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Councilmembers voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the 26th day of February 2002.

ATTEST:

/s/ BRUCE A. BROADWATER
MAYOR

/s/ RUTH E. SMITH
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, RUTH E. SMITH, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on February 12, 2002, with a vote as follows:

AYES: COUNCILMEMBERS: (5) DALTON, LEYES, ROSEN, TRAN, BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

and was passed on February 26, 2002, by the following vote:

AYES: COUNCILMEMBERS: (5) DALTON, LEYES, ROSEN, TRAN, BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

/s/ RUTH E. SMITH
CITY CLERK

PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-141-01 AND A
DEVELOPMENT AGREEMENT IN CONJUNCTION WITH SITE PLAN NO. SP-301-01
AND PARCEL MAP NO. PM-2001-227 (F: 106.124) (XR: 116.PUD-141-01)
(XR: 116.SP-301-01) (XR: 118.PM-2001-227) (XR: 116.PUD-121-98)

Planned Unit Development No. PUD-141-01 and a Development Agreement,
in Conjunction with SP-301-01 and PM-2001-227, initiated by Palm Court
Lodging, LLC, proposing a land use designation from PUD-121-98 to
PUD-141-01, and a Development Agreement to construct two multi-story
hotels (Marriott Springhill Suites and Marriott Courtyard Inn) with a total of 483
rooms. The site is approximately 5.6 acres in size, and is located on the west
side of Harbor Boulevard, south of Chapman Avenue and north of Twintree
Avenue.

On December 6, 2001, the City Planning Commission, pursuant to Resolutions
No. 5260 and No. 5261, approved SP-301-01 and PM-2001-227, and
recommended approval of PUD-141-01 and the Development Agreement.
Pursuant to Legal Notice published January 24, 2002, public hearing on the
case was ordered by the City Council to be held this date.

Staff report dated February 12, 2002, was introduced, and staff provided
background information concerning this matter.

Mayor Broadwater declared the public hearing opened and asked if anyone
wished to address the Council on the matter.

Ron White addressed the Council concerning the parking situation, noting that
he owns 17 units in back of the Oasis on Tamerlane Drive.

It was noted that the plan calls for 397 parking spaces.

There being no further response from the audience, the public hearing was
declared closed.

ORDINANCE NO. 2564 was introduced for first reading and the title read in full, entitled
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN
GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-141-01
FOR PROPERTY LOCATED ON THE WEST SIDE OF HARBOR
BOULEVARD, SOUTH OF CHAPMAN AVENUE, NORTH OF TWINTREE
AVENUE, PARCEL NOS. 231-471-01 THROUGH 18

It was moved by Mayor Broadwater, seconded by Councilman Rosen, and
carried by unanimous vote, that full reading of Ordinance No. 2564 be waived,
and said Ordinance be and hereby is passed to second reading.

ORDINANCE NO. 2565 was introduced for first reading and the title read in full, entitled
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN
GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN PALM
COURT LODGING, LLC, AND THE CITY OF GARDEN GROVE FOR
PROPERTY LOCATED ON THE WEST SIDE OF HARBOR BOULEVARD,
SOUTH OF CHAPMAN AVENUE, NORTH OF TWINTREE AVENUE,
PARCEL NOS. 231-471-01 THROUGH 18

It was moved by Councilman Rosen, seconded by Councilman Tran, and
carried by unanimous vote, that full reading of Ordinance No. 2565 be waived,

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: George L. Tindall From: Matthew Fertal
Dept: City Manager Dept: Community Development
Subject: **CONSIDERATION OF PLANNED UNIT DEVELOPMENT NO. PUD-141-01 AND A DEVELOPMENT AGREEMENT (PALM COURT LODGING, LLC.)** Date: February 12, 2002

OBJECTIVE

The purpose of this report is to transmit a recommendation from the Planning Commission for approval to change the land use designation from PUD-121-98 to PUD-141-01 and a Development Agreement for the construction of two hotels: Marriott Springhill Suites and Marriott Courtyard Inn. The site is located on the west side of Harbor Boulevard, south of Chapman Avenue and north of Twintree Avenue.

BACKGROUND

The project contains approximately 5.6 acres. The site consists of 18 individual parcels and is currently improved with commercial structures and single-family residential units.

In 1998, the City rezoned approximately 53 acres of land, including the subject site, from various land use designations to PUD-121-98, (aka Riverwalk Retail Complex Project). The City also amended the Redevelopment Plan Area to cover the entire Riverwalk area. The scope of the Riverwalk project consists of an approximately 1,000,000 square foot commercial and entertainment complex and a 500-room hotel.

As the request is to relocate the 500-room hotel from the intersection of Harbor Boulevard and Palm Street to the subject site, and in order to provide appropriate development standards for this proposed development, it is necessary to establish a separate Planned Unit Development (PUD), which would create specific development standards for this project.

On December 6, 2001, the Planning Commission approved Site Plan No. SP-301-01 and Tentative Parcel Map No. PM-2001-227, and recommended approval of Planned Unit Development No. PUD-141-01 and the Development Agreement for the construction of the hotels, by a 7-0 vote. Other than the representative for the applicant, one person spoke in favor of the request, one spoke with concerns, and no one spoke against the project.

DISCUSSION

The project consists of two hotels: Marriott Springhill Suites (Hotel 1) and Marriott Courtyard Inn (Hotel 2). The Springhill Suites hotel consists of 216 rooms and is eight stories in height. The Courtyard Inn consists of 267 rooms and is nine stories in height. The design of the site locates Springhill Suites in the southern portion of the site, and Courtyard Inn is proposed at the northern end.

Primary access into the project site is provided by a main entry on Harbor Boulevard. The project is served by surface parking areas located throughout the site. Parking is balanced throughout the site and provides sufficient parking areas around each building. Pedestrian circulation paths are provided along the main drive aisles of the project allowing pedestrian movement between the hotel buildings. The exterior treatment of the hotels will reflect a contemporary theme with stucco walls and aluminum windows. Porte cocheres are being proposed for both of the hotels.

Government Code Section 65864 provides authority to the City to enter into a Development Agreement. The agreement will ensure that Palm Court Lodging, LLC., the applicant, can build the project, as approved, within the time frame specified in the Development Agreement. In return, the City will receive an impact payment fee not to exceed a total of \$265,790 for both of the hotels (Marriott Springhill Suites: \$117,480 and Marriott Courtyard Inn: \$148,310) to cover the cost of the City services required for the proposed development that are not otherwise being reimbursed to the City. Payment will be required at the time of building permit issuance.

FINANCIAL IMPACTS

None.


RECOMMENDATION:

The Planning Commission recommends that the City Council:


- Introduce the attached ordinances approving Planned Unit Development No. PUD-141-01 and the Development Agreement.

MATTHEW FERTAL
Assistant City Manager




By: Rosalinh M. Ung
Urban Planner

APPROVED FOR AGENDA LISTING


George L. Tindall
City Manager

Attachments: Planning Commission Minute Excerpt of December 6, 2001
 Staff Report dated December 6, 2001
 Planning Commission Resolution Nos. 5260 and 5261
 Draft City Council Ordinance for PUD-141-01
 Draft City Council Ordinance for Development Agreement
 Development Agreement

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC
HEARING: PLANNED UNIT DEVELOPMENT NO. PUD-141-01
SITE PLAN NO. SP-301-01
TENTATIVE PARCEL MAP NO. PM-2001-227
DEVELOPMENT AGREEMENT
APPLICANT: PALM COURT LODGING, LLC.
LOCATION: WEST SIDE OF HARBOR BOULEVARD, SOUTH OF CHAPMAN
AVENUE, NORTH OF TWINTREE AVENUE
DATE: DECEMBER 6, 2001
REQUEST: A request for a zone change from PUD-121-98 to PUD-141-01, a Site Plan to allow the construction of two multi-story hotels (Springhill Suites and Marriott Courtyard Inn) with a total of 483 rooms; and a Tentative Parcel Map request for lot consolidation.

Staff report was reviewed and recommended approval of the Site Plan and Tentative Parcel Map; and recommended that the Commission recommend approval of the Planned Unit Development and Development Agreement to City Council.

Chair Barry opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Mike Silvey of Tait & Associates, representative for the applicant, approached the Commission. Chair Barry questioned whether the applicant has read and agrees with the conditions of approval. Mr. Silvey expressed agreement with the conditions of approval.

Commissioner Hutchinson asked Mr. Silvey if he was aware of when construction on the hotels would begin.

Mr. Silvey stated that they are waiting to begin construction when the economy improves.

Commissioner Freze commented on the inadequate parking for the existing hotels adjacent to this site, and questioned if this project will have adequate parking. Mr. Silvey stated that the site plan for the project meets city code, and noted that they will complete a parking study.

Staff noted that parking constraints are the result of meeting space at the Crown Plaza, and this project does not provide meeting rooms or restaurants which will serve to mitigate parking impacts.

Mr. Frank Hoffman approached the Commission, and expressed his frustration about this project being delayed. He stated that he is an attorney, and as such is very aware of how incurring the anger of the business owners and residents that will be affected by these projects can become a potential financial liability. He commented that the city needs to get this project going and end the delays.

Commissioner Nguyen asked Mr. Hoffman what impact this project has on his practice. Mr. Hoffman indicated that not knowing when he needs to change locations for his practice is detrimental for him and for the other businesses located in the project site. He reiterated his comment about wanting the city to get the project going and expressed his skepticism about the economy affecting this project.

Commissioner Hutchinson commented that when the economy slows down, so does development.

Mr. David Terry Lautherboren approached the Commission. He recommended that an Environmental Impact report be done before construction begins. He thinks that the parking will be inadequate.

Mr. Mike Silvey approached the Commission. He pointed out that the terrorist attack on September 11, 2001 has heavily impacted tourism, which in turn has affected hotel development.

There being no further comments, the public portion of the hearing was closed.

Matt Fertal, Assistant City Manager, pointed out the difficulties associated with moving forward on the hotel projects, and commented that the City Council is sensitive to the issues before them and wish to act prudently before making decisions to purchase property.

Commissioner Hutchinson questioned whether businesses affected by the hotel project will be relocated within the city boundaries.

Mr. Fertal stated that it is difficult to open discussion about relocation without acquiring property. To date, there has been no general meeting with the business owners.

Commissioner Freze asked how the city opens discussion with the businesses, and if the Development Agreement stipulates a time frame. Mr. Fertal responded that there are informational meetings held, and one was held in August 2001. He noted that the Development Agreement does have a time frame and that the Developer has estimated that construction will begin in 18 months.

Commissioner Hutchinson commented that this project will be good for the community. He agreed with Mr. Hoffman that the city needs to get on with this project, and expressed his support.

Vice Chair Butterfield stated that this project is in line with the General Plan update and most people agree that something needs to be done about Harbor Boulevard. The city has been very progressive, and this project will be a benefit.

Commissioner Freze expressed his support for this development, and is impressed with the growth and feels that it will be good for the city.

Commissioner Callahan expressed his support for the project and feels that this will enhance future economic growth.

Commissioner Hutchinson moved to approve Site Plan No. SP-301-01 and Tentative Parcel Map No. PM-2001-227, and recommended approval of Planned Unit Development No. PUD-141-01 and a Development Agreement to City Council, seconded by Commissioner Jones, pursuant to the facts and reasons contained in Resolution Nos. 5260 and 5261, and authorized the Chair to execute the Resolution. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BARRY, BUTTERFIELD, CALLAHAN FREZE HUTCHINSON, JONES, NGUYEN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: W/S Harbor Blvd., S/O Chapman Ave., N/O Twintree Ave.
HEARING DATE: December 6, 2001	GENERAL PLAN: Mixed Use
CASE NOS.: Planned Unit Development No. PUD-141-01, Site Plan No. SP-301-01, Tentative Parcel Map No. PM-2001-227, & Development Agreement	EXISTING ZONE: PUD-121-98 PROPOSED ZONE: PUD-141-01
APPLICANT: Palm Court Lodging, LLC.	CEQA DETERMINATION: Recognize previously adopted Negative Declaration

REQUEST:

Approval of a Zone Change from PUD-121-98 to PUD-141-01, a Site Plan to allow the construction of two hotels: Marriott Springhill Suites (Hotel 1) and Marriott Courtyard Inn (Hotel 2), a Tentative Parcel Map for lot consolidation; and a Development Agreement.

CODE SECTIONS:

The following code sections apply to this project:

1. 9.12.020 Planned Unit Development
2. 9.24.030.D.3 Site Plans
3. 9.32.060 Parcel Map
4. Government Code Section 65864 - Development Agreement

PROJECT STATISTICS:

<u>PROJECT CRITERIA</u>	<u>ACTUAL</u>	<u>MEETS CODE</u>	<u>DOES NOT MEET CODE</u>	<u>VARIANCE REQUEST</u>	<u>CONDITION OF APPROVAL</u>
<u>LOT SIZE (TOTAL):</u>	5.60 acres	X			
Parcel 1:	2.60 acres				
Parcel 2:	3.00 acres				
<u>BUILDING SIZE (TOTAL):</u>	287,331 s.f.	N/A			
Springhill Suites:	127,000 s.f.				
Courtyard Inn:	160,331 s.f.				
<u>BUILDING HEIGHT:</u>		X			
Springhill Suites:	98'-6" (8 story)				
Courtyard Inn:	110' (9 story)				

CASE NUMBERS: PUD-141-01, SP-301-01 & PM-2001-227

<u>PROJECT CRITERIA</u>	<u>ACTUAL</u>	<u>MEETS CODE</u>	<u>DOES NOT MEET CODE</u>	<u>VARIANCE REQUEST</u>	<u>CONDITION OF APPROVAL</u>
<u>BUILDING SETBACKS:</u>		X			
<u>(N, S, E, W)*:</u>					
Springhill Suites:	59', 198', 84', 31'				
Courtyard Inn:	139', 70', 95', 52'				
<u>PARKING (TOTAL):</u>	397	X			
Parcel 1:	177				
Parcel 2:	220				
<u>LANDSCAPING:</u>					
Harbor Blvd:	5'				
North P/L:	5'				
Twintree Ave.:	10'				
Thackery Dr.	15'-30'				
West P/L:	5'				

* Distance as measured from boundary lines of proposed parcels

BACKGROUND:

The project is located on the west side of Harbor Boulevard, south of Chapman Avenue and north of Twintree Avenue and contains approximately 5.6 acres. The site consists of 18 individual parcels and is currently improved with commercial structures and single-family residential units.

The site is located within a Redevelopment Project Area. Goals of the Redevelopment Plan include the elimination of physically blighted areas and deteriorated structures, upgrading of the project area, encourage private sector investment, and promote the economic well being of the area. The policies of the General Plan identify the Harbor Corridor as a target area for redevelopment and revitalization activities.

DISCUSSION:

PLANNED UNIT DEVELOPMENT:

In 1998, the City rezoned approximately 53 acres of land, including the subject site, from various land use designations to PUD-121-98, (aka Riverwalk Retail Complex Project). The City also amended the Redevelopment Plan Area to cover the entire Riverwalk area. The scope of the Riverwalk project consists of an approximately 1,000,000 square foot commercial and entertainment complex and a 500-room hotel.

As the request is to relocate the 500-room hotel from the intersection of Harbor Boulevard and Palm Street to the subject site, and in order to provide appropriate development standards for this proposed development, it is necessary to establish a separate Planned Unit Development (PUD), which would create specific development standards for this project.

SITE PLAN:

Site Plan and Building Design:

The project consists of two hotels: Marriott Springhill Suites (Hotel 1) and Marriott Courtyard Inn (Hotel 2). The Springhill Suites hotel consists of 216 rooms and 8 stories in height. The Courtyard Inn consists of 267 rooms and 9 stories in height. The design of the site locates Springhill Suites in the southern portion of the site, within the boundaries of Parcel 1; and Courtyard Inn is proposed at the northern end, within the boundaries of Parcel 2.

Primary access into the project site is provided by a main entry on Harbor Boulevard. The project is served by surface parking areas located throughout the site. Parking is balanced throughout the site and provides sufficient parking areas around each building. Pedestrian circulation paths are provided along the main drive aisles of the project allowing pedestrian movement between the hotel buildings.

The exterior treatment of the hotels will reflect a contemporary theme with stucco walls and aluminum windows. Porte cocheres are being proposed for both of the hotels. As a condition of approval, the final building elevations and colors and materials, will be reviewed and approved by the Community Development Department prior to the building plan check submittal.

Landscaping and Lighting:

The preliminary landscaping plan for the project reflects an abundant use of palms and canopy type trees, shrubs and bushes, and various ground covers throughout the site. As a condition of approval, the applicant is required to provide trees throughout the parking lot and in the landscape setback areas along Harbor Boulevard. All landscape treatments in areas located adjacent to Harbor Boulevard are also conditioned to be designed in accordance with the Harbor Boulevard Urban Design Plan to be consistent with the hotel developments located north of the subject site.

The lighting plan for the project will be required to incorporate special lighting treatments, including palm and canopy tree uplighting to highlight the project's main entry area and incorporate similar lighting treatments on the north, south, and east hotel elevations to highlight façade elements and achieve a dramatic nighttime effect.

Parking, Circulation, & Refuse Storage:

Vehicular access is from Harbor Boulevard. In reference to parking, the study evaluated parking demands of hotels in the Disneyland area and reviewed Urban Land Institute (ULI) standards. Based upon this review, the study determined that a parking ratio of 0.8 parking stalls per hotel room was sufficient to meet each hotel's respective parking demands.

Based on the parking ratio of 0.8 parking stalls per hotel room, the site is required to provide a total of 386 parking spaces. A total of 397 on-site parking spaces are provided.

The proposed hotel developments may increase vehicle trips and traffic congestion in the immediate area. A focused traffic study will be prepared in order to identify and address any potential impact generated by the proposed hotel developments. The parking study will be completed prior to the issuance of building permits for the hotels.

The trash enclosure will be located near the service area for each hotel. The walls of the trash enclosure are required to be constructed to match the hotel buildings. Trash pick up is required to occur a minimum of 3 times per week. The final design, type, location, and number of trash bins will be reviewed and approved by the Garden Grove Sanitation District, and the City's Public Works and Community Development Departments.

TENTATIVE PARCEL MAP:

The development includes the filing of a Tentative Parcel Map. The applicant proposes to consolidate 18 existing lots, a portion of an existing alleyway and easterly side of Thackery Drive, into two separate parcels. The street and alley vacations will be processed at a later date. As a condition of approval, the applicant is required to vacate these public right-of-ways prior to the issuance of building permits for the hotels and recordation of the Parcel Map.

DEVELOPMENT AGREEMENT:

The proposed hotel development requires the applicant to enter into a Development Agreement with the City. The applicant will be guaranteed that they will be able to construct the proposed hotel development within the time frame specified in the DDA and the City will receive a development impact payment for each hotel, respectively.

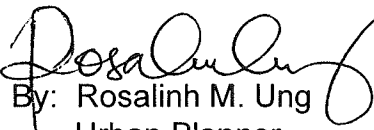
CASE NUMBERS: PUD-141-01, SP-301-01 & PM-2001-227

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Approve Site Plan No. SP-301-01 and Tentative Parcel Map No. PM-2001-227, subject to the recommended conditions of approval; and
2. Recommend approval of Planned Unit Development No. PUD-141-01 and the Development Agreement to the City Council.

GLEN KRIEGER 
Planning Services Manager


By: Rosalinh M. Ung
Urban Planner

SCALE 1 : 4,970

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FEET

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RESOLUTION NO. 5260

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOGNIZING THE PREVIOUSLY ADOPTED NEGATIVE DECLARATION AND RECOMMENDING APPROVAL OF PLANNED UNIT DEVELOPMENT NO. PUD-141-01 AND A DEVELOPMENT AGREEMENT FOR LAND LOCATED ON THE WEST SIDE HARBOR BOULEVARD, SOUTH OF CHAPMAN AVENUE, NORTH OF TWINTREE AVENUE, PARCEL NOS. 231-471-01 THROUGH 18

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on December 6, 2001, does hereby recognize the previously adopted Negative Declaration and recommends approval of Planned Unit Development No. PUD-141-01 and a Development Agreement.

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-140-01 and Development Agreement, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Palm Court Lodging, LLC.
2. The applicant requests approval of a Zone Change from PUD-121-98 to PUD-141-01 and a Development Agreement in order to construct two hotels on approximately 5.60 acres.
3. The previously adopted Negative Declaration considered the necessary entitlements for the proposed project including Planned Unit Development, Site Plan, Parcel Map, Street and Alley Vacations, and Conditional Use Permit applications; therefore, no further environmental action is necessary.
4. The property has a General Plan Land Use designation of Mixed Use (MX), and is currently zoned Planned Unit Development No. PUD-121-98. The site is improved with a mixture of single family residences and commercial businesses.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on December 6, 2001, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of December 6, 2001; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.12.020, are as follows:

FACTS:

The site is currently improved with various commercial and residential uses.

The site is approximately 5.60 acres in area, and the minimum site requirement for Planned Unit Development commercial development is 5 acres.

The site is located within a redevelopment project area.

The developer is authorized to enter into a Development Agreement in compliance with Government Code Section 65864.

FINDINGS AND REASONS:

Planned Unit Development:

1. The location of the buildings, architectural design, and proposed uses are compatible with the character of existing development in the vicinity, and the project will be well-integrated into its setting.

The project is designed to be integrated with the existing developments in the area. The design of the proposed development, in conjunction with the conditions of approval and mitigations contained in the Negative Declaration, will ensure a reasonable degree of compatibility with adjacent uses.

2. The plan will produce a stable and desirable environment and will not cause undue traffic congestion on surrounding or access streets.

All appropriate conditions of approval and mitigation measures, including a traffic study to be prepared, have been incorporated to minimize any adverse impacts on surrounding streets.

3. The quality of the project achieved through the Planned Unit Development zoning is greater than could be achieved through traditional zoning.

The project incorporates an innovative design, reflects the intent for tourist-based development contained in the Harbor Corridor Regional/Urban Design Assistance Team (R/UDAT) study and the Harbor Corridor Specific Plan, and implements goals of the General Plan regarding creating enhanced opportunities for tourist-based development in the Harbor Corridor (Land Use, Planning Area

Policies 1.2., 1.5, and Economic Development Policies 5.1, 5.2, and 5.3). The project will be developed in accordance with the conditions of approval, which will insure that the overall quality of the project will be comparable to projects that could be achieved through the Specific Plan and other Municipal Code provisions.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Commission incorporates herein by this reference, the facts and reasons set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Planned Unit Development No. PUD-141-01 possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.12.020 (Planned Unit Development) and Government Code Section 65864 et. seq., provisions for Development Agreements.
2. The implementation provisions for Planned Unit Development No. PUD-141-01 are found under Resolution No. 5261 for Site Plan No. SP-301-01 and Tentative Parcel Map No.2001-227.

ADOPTED this 6th day of December 2001.

/s/ SUSAN ANN BARRY
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on December 6, 2001, by the following votes:

AYES: COMMISSIONERS: BARRY, BUTTERFIELD, CALLAHAN, FREZE,
HUTCHINSON JONES, NGUYEN
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

/s/ TERESA POMEROY
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is January 2, 2002.